IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1614 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/08/2004 in WP NO : 14217 OF 2004 on the file of the High Court.)

Between:

1 Sri K.Harishankar S/o K.Sayanna
H.No.9-2-121, Langarhouse, Post Golkonda, Hyderabad
2 Smt.K.Shakuntala W/o K.Harishankar
H.No.9-2-121, Langarhouse, Post Golkonda, Hyderabad

..... APPELLANTS

AND

1 The Assistant Director, Survey and land Records, Office of the Distirct Collector, R.R.Distirct Hyderabad
2 The Mandal Revenue Officer Rajendrangar Mandal
Ranga Reddy District.

.....RESPONDENTS

Counsel for the Appellant:M/S.MOHAN VINOD & ASSOCIATES

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioners-appellants' writ petition was dismissed by the order impugned in this appeal. We have heard the counsel for the parties at admission stage.

Petitioners alleged that they purchased land admeasuring Ac.13-20 guntas in Survey No.13/A of Bandlaguda village, Rajendra Nagar Mandal, Ranga Reddy District vide sale deed bearing Registration No.30/04 dated 23-2-2004 of the office of the Sub-Registrar, Rajendra Nagar, Ranga Reddy District. The land was also mutated vide proceedings issued by the second respondent. The name of the petitioners-appellants is stated to have been entered in the revenue records as pattedars. Petitioners further alleged that their neighbour raised boundary dispute and tried to encroach upon a small extent of land and in order to have the boundaries ascertained, appropriate application in accordance with law was made before the first respondent under the provisions of A.P. Survey and Boundaries Act, 1923. Petitioners were advised to deposit the requisite fee, which was deposited on 26th April, 2004 and further fee was deposited on 5th May, 2004. But the respondents were avoiding to carry out necessary survey in accordance with law. Accordingly, direction was sought against the respondents to carry out survey in accordance with law. Learned single Judge did not grant relief and that is why the appellants are before us.

Before filing writ petition, petitioners had also submitted a representation stating the facts. Once request is made to the respondents pursuant to which respondents called upon the petitioners to deposit the requisite fee for carrying out demarcation since petitioners alleged that Mr.Borra Gyaneswara and his wife B.Vijaya Lakshmi the petitioners' neigbhours were trying to raise boundary dispute and dispute had arisen, it was but necessary for the respondents to have taken steps to have the demarcation carried out in accordance with law after notice to the petitioners' neighbour. Since the petitioners were not obliged by the respondents, which they are duty bound to do, we allow the appeal, set aside the impugned order passed by the learned single Judge and allow the writ petition with direction to

respondents to carry out demarcation in accordance with law, of the petitioners' property, after notice to the petitioners' neighbour and after hearing both sides. Needful will be done by the respondents within a period of two months from the date of receipt of a copy of the writ order.

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DEVINDER GUPTA, CJ

29-10-2004

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C.V.RAMULU, J

Tvr

To

1 The Assistant Director, Survey and land Records, Office of the Distirct Collector, R.R.Distirct Hyderabad
2 The Mandal Revenue Officer Rajendrangar Mandal Ranga Reddy District.

3. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyd.

4. 2 CD copies.